



May 2, 2005

Compliance Tracker  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5, AE-17J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Mailcode 2241A  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

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*ES/US*  
MAY 10 2005

AIR ENFORCEMENT BRANCH,  
U.S. EPA, REGION 5

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) There were moisture elevations within the manure in the barn at Mt. Victory that had the Particulate Impaction System. See attachment labeled "% Moisture Mt. Victory LS 5 Barn 2."
- 32(h) Exhaust or ventilation fan operational data is being submitted via Purdue University – Dr. Hebers' monthly update.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) No additional PM reduction practices have been implemented during prior reporting period, except that a new type of feed, that has higher oil or fat content, which is expected to reduce dust, is being used.
- 32(k) A continuous feed additive to control ammonia emissions was used in the prior reporting period. The mineral additive from Rose Acre has been used in barn 2 at the Mt. Victory facility from December 1, 2004 to March 29, 2005.

*I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.*

Sincerely,

Ohio Fresh Eggs, LLC

By:   
Cale Ayres  
Environmental Compliance

cc: Mr. Donald C. Hershey  
Mr. Ronald Flory  
Brian M. Babb, Esq.  
Mr. Harry Palmer

1257809.2



Layer Site 1 – Croton  
1<sup>st</sup> Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 3/26/05</b>	<b>Breed W-98/WV-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>	10/25/03		0	-	-	-
<b>3</b>	6/19/04		0	-	-	-
<b>5</b>	10/30/04		0	-	-	-
<b>7</b>	10/30/04		0	-	-	-
<b>9</b>	3/27/04		0	-	-	-
<b>11</b>	5/22/04		0	-	-	-
<b>13</b>	11/6/04		0	-	-	-
<b>13A</b>			96,669	W-36	New	No
<b>2</b>	1/10/04	7/16/04	164,821	W-36	New	No
<b>4</b>	9/2000	9/13/04	165,481	W-36	New	No
<b>6</b>	9/2000	10/11/04	165,809	W-36	New	No
<b>8</b>	9/2000	10/29/04	166,189	W-36	New	No
<b>10</b>	9/2000	~6/05	-	-	-	-
<b>12</b>	9/2000	~6/05	-	-	-	-
<b>14</b>	9/2000		-	-	-	-
<b>14B</b>			97,044	W-36	New	No

Layer Site 2 – Croton  
1<sup>st</sup> Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 3/26/05</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>15</b>			63,280	W-98	New	No
<b>17</b>			65,136	W-36	New	No
<b>19</b>	1/15/05		0	-	-	-
<b>21</b>	9/18/04		0	-	-	-
<b>23</b>	2/12/05		0	-	-	-
<b>25</b>	3/12/05		0	-	-	-
<b>27</b>			63,105	W-36	New	No
<b>27A</b>			96,314	W-36	New	No
<b>16</b>	2/26/05		0	-	-	-
<b>18</b>			64,893	W-36	New	No
<b>20</b>			68,558	W-36	New	No
<b>22</b>	3/5/05		0	-	-	-
<b>24</b>	-	-	68,296	W-36	New	No
<b>26</b>			62,588	W-98	New	No
<b>28</b>			68,736	W-36	New	No
<b>28B</b>			97,176	W-36	New	No



Layer Site 3 – Croton  
1<sup>st</sup> Quarter 2005

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k))

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 3/26/05</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>29</b>			66,505	W-36	New	No
<b>31</b>	10/16/04		0	-	-	-
<b>33</b>			65,687	W-36	New	No
<b>35</b>			67,732	W-36	New	No
<b>37</b>			67,908	W-36	New	No
<b>39</b>			66,613	W-36	New	No
<b>41</b>	11/20/04		0	-	-	-
<b>41A</b>			96,533	W-36	New	No
<b>30</b>			67,371	W-36	New	No
<b>32</b>			55,462	W-36	New	No
<b>34</b>			68,021	W-36	New	No
<b>36</b>	12/4/04		0	-	-	-
<b>38</b>			66,362	W-36	New	No
<b>40</b>	10/9/04		0	-	-	-
<b>42</b>			68,000	W-36	New	No
<b>42B</b>			96,439	W-36	New	No

Layer Site 4 – Croton  
1st Quarter 2005  
Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population as of 3/26/05</b>	<b>Breed W-96/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>43</b>	9/2000	8/11/01	0	-	-	-
<b>45</b>	9/2000	8/18/01	85,278	W-36	New	No
<b>47</b>	9/2000	8/25/01	100,159	W-36	New	No
<b>49</b>	9/2000	9/8/01	100,577	W-36	New	No
<b>51</b>	9/2000	9/15/01	100,824	W-36	New	No
<b>53</b>	9/2000	10/6/01	101,131	W-36	New	No
<b>55</b>			66,766	W-36	New	No
<b>55A</b>			96,610	W-36	New	No
<b>44</b>	9/2000	~6/05	-	-	-	-
<b>46</b>	1/10/04	~6/05	-	-	-	-
<b>48</b>	2/14/04		-	-	-	-
<b>50</b>	8/4/04		-	-	-	-
<b>52</b>	2/22/04		-	-	-	-
<b>54</b>	9/2000		-	-	-	-
<b>56</b>	9/2000		-	-	-	-
<b>56B</b>			0	-	-	-



Layer Site 5 – Mt. Victory

1<sup>st</sup> Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 3/26/05</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Additive Application</b>
<b>1</b>		162,392	W-36	New	No
<b>2</b>	Removed January 2005	159,074	W-36	New	Yes Beg: 12/1/04 End: 3/29/05
<b>3</b>		160,972	W-36	New	No
<b>4</b>		161,742	W-36	New	No
<b>5</b>		161,540	W-36	New	No
<b>6</b>		160,856	W-36	New	No
<b>7</b>		0	-	-	-
<b>9</b>		160,879	W-36	New	No
<b>10</b>		153,367	W-36	New	No
<b>11</b>		160,374	W-36	New	No
<b>12</b>		160,810	W-36	New	No
<b>13</b>		162,485	W-36	New	No
<b>14</b>		161,912	W-36	New	No
<b>15</b>		0	-	-	-

Layer Site 6 – Marseilles

1<sup>st</sup> Quarter 2005

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 3/26/05</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>		163,006	W-36	New	No
<b>2</b>		462,831	W-36	New	No
<b>3</b>		0	-	-	-
<b>4</b>		148,980	W-98	New	No
<b>5</b>		150,063	W-98	New	No
<b>6</b>		148,317	W-98	New	No
<b>7</b>		151,466	W-98	New	No
<b>8</b>		161,713	W-36	New	No
<b>9</b>		153,359	W-98	New	No
<b>10</b>		144,752	W-98	New	No
<b>11</b>		153,666	W-36	New	No
<b>12</b>		153,278	W-98	New	No
<b>13</b>		152,927	W-98	New	No
<b>14</b>		155,264	W-36	New	No
<b>15</b>		151,899	W-36	New	No
<b>16</b>		157,223	W-36	New	No



**% Moisture**  
**Mt. Victory**  
**LS 5**  
**Barn 2**

<u>Date Sampled</u>	<u>% Moisture</u>
3/18/04	28.97%
5/26/04	34.03%
10/4/04	31.68%
12/21/04	46.67%
3/29/05	62.53%



July 31, 2006

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Region 5, AE-17J  
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Environment and Natural Resources Division  
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RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement  
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U.S. Environmental Protection Agency  
Mailcode 2241A  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005.

32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.



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AIR ENFORCEMENT BRANCH,  
U.S. EPA REGION 5

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) Particulate Impaction System has been removed from the test house at Mt. Victory.
- 32(h) Exhaust or ventilation fan operational data that has been submitted via Purdue University has ceased as of March 31, 2006.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses by Purdue University have ceased as of March 31, 2006.
- 32(k) Additional ammonia reduction analyses by Purdue University have ceased as of March 31, 2006.

*I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.*

Sincerely,

Ohio Fresh Eggs, LLC

By: 

Cale Ayres

Environmental Compliance

cc: Mr. Donald C. Hershey  
Brian M. Babb, Esq.  
Mr. Harry Palmer

1257809.2

Layer Site 2 – Croton  
2<sup>nd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update (Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k))

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AIR ENFORCEMENT  
U.S. EPA

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 7/1/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>15</b>	4/16/05		0	-	-	-
<b>17</b>	6/18/05		0	-	-	-
<b>19</b>	1/15/05		0	-	-	-
<b>21</b>	9/18/04		0	-	-	-
<b>23</b>	2/12/05		0	-	-	-
<b>25</b>	3/12/05		0	-	-	-
<b>27</b>	8/20/05		0	-	-	-
<b>27A</b>	8/20/05		0	-	-	-
<b>16</b>	8/20/05		0	-	-	-
<b>18</b>	6/18/05		0	-	-	-
<b>20</b>	8/20/05		0	-	-	-
<b>22</b>	3/5/05		0	-	-	-
<b>24</b>	8/20/05		0	-	-	-
<b>26</b>	6/11/05		0	-	-	-
<b>28</b>	8/20/05		0	-	-	-
<b>28B</b>	8/20/05		0	-	-	-



Layer Site 3 – Croton  
2<sup>nd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 7/1/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>29</b>	9/3/05		0	-	-	-
<b>31</b>	10/16/04		0	-	-	-
<b>33</b>	9/3/05		0	-	-	-
<b>35</b>	9/17/05		0	-	-	-
<b>37</b>	9/24/05		0	-	-	-
<b>39</b>	9/10/05		0	-	-	-
<b>41</b>	11/20/04		0	-	-	-
<b>41A</b>	10/1/05		0	-	-	-
<b>30</b>	9/10/05		0	-	-	-
<b>32</b>	10/1/05		0	-	-	-
<b>34</b>	9/24/05		0	-	-	-
<b>36</b>	12/4/04		0	-	-	-
<b>38</b>	9/10/05		0	-	-	-
<b>40</b>	10/9/04		0	-	-	-
<b>42</b>	10/1/05		0	-	-	-
<b>42B</b>	10/1/05		0	-	-	-

Layer Site 4 – Croton  
2<sup>nd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population as of 7/1/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>43</b>	9/2000	8/11/01	97,337	W-36	New	No
<b>45</b>	9/2000	8/18/01	160,754	W-36	New	No
<b>47</b>	9/2000	8/25/01	109,025	W-36	New	No
<b>49</b>	9/2000	9/8/01	95,311	W-36	New	No
<b>51</b>	9/2000	9/15/01	108,796	W-36	New	No
<b>53</b>	9/2000	10/6/01	108,002	W-36	New	No
<b>55</b>	2/4/06		0	-	-	-
<b>55A</b>	6/17/06		0	-	-	-
<b>44</b>	9/2000	12/3/05	160,337	W-36	New	No
<b>46</b>	1/10/04	12/17/05	160,783	W-36	New	No
<b>48</b>	2/14/04	12/17/05	159,952	W-36	New	No
<b>50</b>	8/4/04	1/12/06	160,851	W-36	New	No
<b>52</b>	2/22/04	~10/06	-	-	-	-
<b>54</b>	9/2000	~11/06	-	-	-	-
<b>56</b>	9/2000	~12/06	-	-	-	-
<b>56B</b>			93,963	W-36	New	No



**Layer Site 5 – Mt. Victory**  
**2<sup>nd</sup> Quarter 2006**

**Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}**

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 7/1/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Additive Application</b>
<b>1</b>		156,824	W-36	New	No
<b>2</b>	Removed January 2005	155,862	W-36	New	No
<b>3</b>		156,486	W-36	New	No
<b>4</b>		156,469	W-36	New	No
<b>5</b>		156,288	W-36	New	No
<b>6</b>		154,609	W-36	New	No
<b>7</b>		155,662	W-36	New	No
<b>9</b>		155,959	W-36	New	No
<b>10</b>		155,111	W-36	New	No
<b>11</b>		158,009	W-36	New	No
<b>12</b>		155,964	W-36	New	No
<b>13</b>		155,837	W-36	New	No
<b>14</b>		156,427	W-36	New	No
<b>15</b>		155,732	W-36	New	No

Layer Site 6 – Marseilles  
2<sup>nd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 7/1/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>		157,463	W-36	New	No
<b>2</b>		0	W-36	New	No
<b>3</b>		102,301	W-36	New	No
<b>4</b>		156,499	W-36	New	No
<b>5</b>		152,601	W-36	New	No
<b>6</b>		154,877	W-36	New	No
<b>7</b>		156,017	W-36	New	No
<b>8</b>		157,511	W-36	New	No
<b>9</b>		157,099	W-36	New	No
<b>10</b>		157,040	W-36	New	No
<b>11</b>		156,464	W-36	New	No
<b>12</b>		154,831	W-36	New	No
<b>13</b>		152,889	W-36	New	No
<b>14</b>		152,272	W-36	New	No
<b>15</b>		155,811	W-36	New	No
<b>16</b>		156,871	W-36	New	No





October 30, 2006

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U.S. EPA, REGION 5

Compliance Tracker  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5, AE-17J  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
RE: DOJ No. 90-11-2-06089

Director, Office of Regulatory Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Mailcode 2241A  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

RE: United States v. Buckeye Egg Farm, L.P., et al. – Civil Action 3:03 CV 7681 – Consent Decree – Quarterly Report

Dear Sir/Madam

As required by the Consent Decree in the above-referenced case, this Quarterly Report is submitted to satisfy the reporting obligations set forth under the Consent Decree, Section VII, Paragraph 23, and associated Attachment A, Section III, Paragraph 32, Subparagraphs a, b, c, d, e, f, g, h, i, j, and k.

As required by the Consent Decree, and in particular by Attachment A, Section III, Paragraph 32, the following has been accomplished in the prior reporting period, or is intended to be accomplished in the current reporting period:

- 32(a) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

Particulate Matter (PM) and ammonia emissions from the barns closed during the prior reporting period were minimized by flock removal and discontinuing use of side wall ventilation fans.

- 32(b) See Attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."

PM and ammonia emissions from the barns to be remodeled during the current reporting period were minimized by complete manure removal from barn(s).

- 32(c) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005 for the testing has been completed.

- 32(d) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005 for the testing has been completed. Visual inspection or dust removal associated with the Particulate Impaction System has ceased as of January 2005.

- 32(e) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005 for the testing has been completed. No dust removal or disposal has occurred since the Particulate Impaction System has been removed.
- 32(f) Particulate Impaction System has been removed from the test house at Mt. Victory as of January 2005 for the testing has been completed. No maintenance, repair, or replacement of Particulate Impaction System has occurred since the system has been removed.
- 32(g) Particulate Impaction System has been removed from the test house at Mt. Victory for the testing has been completed.
- 32(h) Exhaust or ventilation fan operational data that has been submitted via Purdue University has ceased as of March 31, 2006.
- 32(i) See attachment labeled "Layer Site 1-6 (Croton, Mt. Victory, Marseilles)."
- 32(j) Additional PM reduction analyses by Purdue University have ceased as of March 31, 2006.
- 32(k) Additional ammonia reduction analyses by Purdue University have ceased as of March 31, 2006.

*I certify under penalty of law that this document and any attachments to it were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing and willful submission of a materially false statement.*

Sincerely,

Ohio Fresh Eggs, LLC

By: 

Cale Ayres  
Environmental Compliance

cc: Mr. Donald C. Hershey  
Brian M. Babb, Esq.  
Mr. Harry Palmer

1257809.2



Layer Site 1 – Croton

3<sup>rd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>	10/25/03		0	-	-	-
<b>3</b>	6/19/04		0	-	-	-
<b>5</b>	10/30/04		0	-	-	-
<b>7</b>	10/30/04		0	-	-	-
<b>9</b>	3/27/04		0	-	-	-
<b>11</b>	5/22/04		0	-	-	-
<b>13</b>	11/6/04		0	-	-	-
<b>13A</b>	4/22/06		0	-	-	-
<b>2</b>	1/10/04	7/16/04	158,167	W-36	New	No
<b>4</b>	9/2000	9/13/04	159,977	W-36	New	No
<b>6</b>	9/2000	10/11/04	157,788	W-36	New	No
<b>8</b>	9/2000	10/29/04	161,272	W-36	New	No
<b>10</b>	9/2000	4/9/05	161,049	W-36	New	No
<b>12</b>	9/2000	5/21/05	42,633	W-36	New	No
<b>14</b>	9/2000	7/9/05	0	-	-	-
<b>14B</b>			93,009	W-36	New	No

Layer Site 2 – Croton  
3<sup>rd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32. (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>15</b>	4/16/05		0	-	-	-
<b>17</b>	6/18/05		0	-	-	-
<b>19</b>	1/15/05		0	-	-	-
<b>21</b>	9/18/04		0	-	-	-
<b>23</b>	2/12/05		0	-	-	-
<b>25</b>	3/12/05		0	-	-	-
<b>27</b>	8/20/05		0	-	-	-
<b>27A</b>	8/20/05		0	-	-	-
<b>16</b>	8/20/05		0	-	-	-
<b>18</b>	6/18/05		0	-	-	-
<b>20</b>	8/20/05		0	-	-	-
<b>22</b>	3/5/05		0	-	-	-
<b>24</b>	8/20/05		0	-	-	-
<b>26</b>	6/11/05		0	-	-	-
<b>28</b>	8/20/05		0	-	-	-
<b>28B</b>	8/20/05		0	-	-	-

Layer Site 3 – Croton  
3<sup>rd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III. Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population As of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>29</b>	9/30/05		0	-	-	-
<b>31</b>	10/16/04		0	-	-	-
<b>33</b>	9/3/05		0	-	-	-
<b>35</b>	9/17/05		0	-	-	-
<b>37</b>	9/24/05		0	-	-	-
<b>39</b>	9/10/05		0	-	-	-
<b>41</b>	11/20/04		0	-	-	-
<b>41A</b>	10/1/05		0	-	-	-
<b>30</b>	9/10/05		0	-	-	-
<b>32</b>	10/1/05		0	-	-	-
<b>34</b>	9/24/05		0	-	-	-
<b>36</b>	12/4/04		0	-	-	-
<b>38</b>	9/10/05		0	-	-	-
<b>40</b>	10/9/04		0	-	-	-
<b>42</b>	10/1/05		0	-	-	-
<b>42B</b>	10/1/05		0	-	-	-



Layer Site 4 – Croton

3<sup>rd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (a)(b)(i)(k)}

<b>Barn</b>	<b>~ Closure Date to Convert to B/B (Control Actions)</b>	<b>~ Reopening Date for Remolded B/B (Control Actions)</b>	<b>Population as of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>43</b>	9/2000	8/11/01	108,924	W-36	New	No
<b>45</b>	9/2000	8/18/01	106,093	W-36	New	No
<b>47</b>	9/2000	8/25/01	108,356	W-36	New	No
<b>49</b>	9/2000	9/8/01	109,350	W-36	New	No
<b>51</b>	9/2000	9/15/01	108,422	W-36	New	No
<b>53</b>	9/2000	10/6/01	107,558	W-36	New	No
<b>55</b>	2/4/06		0	-	-	-
<b>55A</b>	6/17/06		0	-	-	-
<b>44</b>	9/2000	12/3/05	159,654	W-36	New	No
<b>46</b>	1/10/04	12/17/05	159,952	W-36	New	No
<b>48</b>	2/14/04	12/17/05	159,005	W-36	New	No
<b>50</b>	8/4/04	1/21/06	160,045	W-36	New	No
<b>52</b>	2/22/04	~11/05	0	-	-	-
<b>54</b>	9/2000	~11/05	0	-	-	-
<b>56</b>	9/2000	~12/05	0	-	-	-
<b>56B</b>			0	-	-	-

Layer Site 5 – Mt. Victory  
3<sup>rd</sup> Quarter 2006

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>		155,674	W-36	New	No
<b>2</b>	Removed January 2005	154,760	W-36	New	No
<b>3</b>		155,537	W-36	New	No
<b>4</b>		155,553	W-36	New	No
<b>5</b>		154,670	W-36	New	No
<b>6</b>		153,636	W-36	New	No
<b>7</b>		111,370	W-36	New	No
<b>9</b>		154,602	W-36	New	No
<b>10</b>		153,364	W-36	New	No
<b>11</b>		155,601	W-36	New	No
<b>12</b>		154,870	W-36	New	No
<b>13</b>		154,062	W-36	New	No
<b>14</b>		154,647	W-36	New	No
<b>15</b>		0	-	-	-

**Layer Site 6 – Marseilles**  
**3<sup>rd</sup> Quarter 2006**

Consent Decree 3:03 CV 7681 Update {Attachment A-III Reporting Obligations 32 (c)(i)(k)}

<b>Barn</b>	<b>PM Impaction System ~ Installation Date</b>	<b>Population as of 9/30/06</b>	<b>Breed W-98/W-36</b>	<b>Feed New/Old</b>	<b>Enzyme Weekly Application</b>
<b>1</b>		156,381	W-36	New	No
<b>2</b>		0	-	-	-
<b>3</b>		157,828	W-36	New	No
<b>4</b>		154,453	W-36	New	No
<b>5</b>		158,634	W-36	New	No
<b>6</b>		158,975	W-36	New	No
<b>7</b>		112,093	W-36	New	No
<b>8</b>		155,631	W-36	New	No
<b>9</b>		0	-	-	-
<b>10</b>		153,853	W-36	New	No
<b>11</b>		154,984	W-36	New	No
<b>12</b>		152,735	W-36	New	No
<b>13</b>		150,208	W-36	New	No
<b>14</b>		149,553	W-36	New	No
<b>15</b>		153,953	W-36	New	No
<b>16</b>		155,149	W-36	New	No